

# Exhibit 16

Beckett040109-Rough.txt

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14 --oOo--

15 BY MR. STACK:

16 Q. Good morning, Mr. Beckett.

17 A. Good morning.

18 Q. You recognize you're still under oath,  
19 sir?

20 A. I do.

21 Q. With respect to today's proceeds, I will  
22 have a few hours of questions. I don't know how  
23 quickly part of it's going to go I know my  
24 colleagues in the room will have questions. And

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1 you've heard that we questions and we will move as  
2 expeditiously as possible, and we also have lunch  
3 brought in so we can turn things around pretty  
4 quickly.

5 Yesterday, you mentioned a Mr. Christian  
6 Zarn and he worked for you; am I correct?

7 A. Yes.

8 Q. What is Mr. Zarn's educational background?

9 A. I'll get you his C.V. he had -- his most  
10 recent position was at Komex H2O Science, and he was  
11 an environmental scientist and analyst there.

12 Q. And educational background, you don't have  
13 to recite this encyclopedically for sure, but do you  
14 have a general understanding of what his training  
15 is, is he an engine, is he a hydrogeologist, a  
16 geologist?

17 A. I didn't bring him on for that training.  
18 I brought him on for his experience in looking  
19 through documentation pertaining to environmental  
20 sites.

21 Q. And with regard to his experience, do you  
22 know whether Mr. Zarn has experience designing and  
23 implementing site investigation remediation for  
24 service stations?

25 A. No, I don't.

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1 Q. With respect to Mr. Zarn, do you know if  
2 he has any experience relative to the State of New  
3 York Department of Environmental conservation  
4 guidelines and regulations as they pertain to  
5 service station sites and releases of gasoline with  
6 MTBE?

7 A. No, I don't know.

8 Q. Do you know if Mr. Zarn has any experience  
9 actually conducting a site investigation at a site  
10 in New York where there was a release of gasoline

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17 altered the flux rate so as to eliminate any future  
18 impacts of MTBE in nearby receptors?

19 A. I did not do that analysis, no.

20 Q. With respect to the work that you  
21 performed in this case, did you form any opinion to  
22 any degree of scientific or engineering certainly as  
23 to whether or not remediation at these sites would  
24 have reduced the concentration of MTBE in the water  
25 system to eliminate any future impacts to receptors?

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1 A. No.

2 Q. As you sit here today, do you know with  
3 regard to the 33 sites, whether any of them had have  
4 had any releases which as a result of remediation  
5 would have had an enhanced removal which would have  
6 eliminated any impacts occurring in wells 20 years  
7 from now?

8 A. I'm not sure I understand the question,  
9 but let me --

10 Q. No, let me -- let me -- let me clarify.  
11 You understand that with respect to  
12 station 6, station 6 is not going to start up by the  
13 current projections at the earliest until 2017 or  
14 eight years from now. Did you assess as part of  
15 this evaluation or remediation as to whether or not  
16 any remediation at any of the sites identified as  
17 potentially averaging station number 6 would really  
18 have an effect on whether or not contamination from  
19 that particular source was going to result in  
20 detectible concentrations of MTBE at station 6 in  
21 the future?

22 A. No, that analysis is done by Mr. Terry and  
23 Mr. Coten hen, so I didn't do any analysis point.

24 Q. And what I'm -- and I'm -- I'm missing my  
25 point.

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1 I -- Mr. Terry and Mr. Cohen do -- or  
2 attempt to do some deterministic modeling and  
3 project what future concentrations of MTBE may be  
4 expected in these wells.

5 What I'm asking you is when you evaluated  
6 the investigation, remediation at these 33 sites,  
7 and particularly those which were related to  
8 potential impacts to well 6, did you evaluate  
9 specifically if any alteration, any enhance wants in  
10 the investigation, remediation, would have prevented  
11 any detectible contamination showing up eight years  
12 from now in well 6?

13 A. No. We didn't specifically equal  
14 actively, we, did again, using the example we used  
15 earlier, if the only action we took was somebody  
16 hand bailing a sited, I can little with little  
17 uncertainly, that that will have no effect on  
18 whether or not that site has a potential impact to  
19 station 6, notwithstanding that even with free  
20 product, programs it will, programs it won't, I  
21 didn't do that analysis myself. I can.

22 Q. Go ahead, go ahead.

23 A. I can also say equally that for sites  
24 where remediation was done to some degree of  
25 effectiveness that I would expect professionally

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1 that that site would have a lesser effect on station

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6 wells, if any, than it would have otherwise had that action not been taken at all.

Q. With regard to the work that you performed in this case, did anyone say to you, Mr. Beckett, we're not starting up well 6 until the year 2017, we want to you assess the remediation and investigation of certain number of these stations among the 33 we've identified and tell us whether or not the activities at this site were adequate and/or inadequate with respect to whether they would interdict or eliminate any future impact nine years from now in well number 6.

Q.. Well number 6?

A. No, I was not asked to do that.

Q. As you sit here, can you state an opinion to any degree of engineering or scientific certainty that inadequacies by the defendants in doing site investigation at these stations will result in detections of concentration -- detectable concentration of MTBE in station 6 or any of the other focus wells?

A. I have not done that analysis.

Q. Can you state an opinion to any reasonable degree of engineering or scientific certainty, that

inadequacies in any of the defendants remedial actions will result in detectible concentrations of MTBE in station 6 or any of the focus wells after 2017?

A. No, I have not done that analysis.

Q. With respect to the work that you did in this case, did anyone frame out the assignment in such a way that they asked you to assess what was being done at these sites in the '90s, or the early 2000s, and ask you to specifically evaluate whether it would have any effect on whether contamination would be detected in any of these wells after the year 2017?

A. No. That would require transport modeling and other annual leases that I did not do. No one asked.

Q. In the context of the work that you did in this case, did anyone provide you information specifically and say to you, Mr. Beckett, we're going to be looking at starting up these wells, maybe, maybe, in 2017, or thereafter. We want you to assess the remediation activities at these sites and determine if they would be adequate to eliminate impacts eight, nine, ten, 20 years in the future?

A.. No, I was not asked to do that.

Q. With regard to the work that you performed in this case you looked at Mr. Driscoll's report and he states, and you concur, if control and remediation of the sources are effective, however, the volume of contaminated water and its residence time are limited in this aquifer. Did anyone ever ask you whether or not in forming your opinions there would be any impact on the residence time of MTBE as a result of any remediation?

A. No.

Q. With respect to the work that you perform in this case, did anyone ask you specifically to